

REMARKS

Reconsideration of the rejection of claims 1-5, 11-13, 16 and 17 under 35 USC §102(a) for being anticipated by Arnold is respectfully requested.

Claim 1 has been amended to clarify the feature of the invention wherein it is “elongated” in the longitudinal direction because that dimension is larger than its height or width. In contrast, Arnold describes a chew toy in the shape of a star that is essentially flat. The Arnold chew toy is not “elongated” as defined by amended claim 1, and as noted in the previous response, the chew toy of Arnold does not include “at least two dihedrons, the edges of which extend along the entire length of the object,” since the star has no “length,” as presently defined in claim 1. Accordingly, Arnold does not anticipate the claim as amended.

Moreover, the differences between the chew toy described by Arnold and the claimed invention would not have been obvious. Arnold contains a specific teaching at column 3, lines 25-30 that the relatively “small projections 12 can fit conveniently into the mouths of small pets, such as ferrets.” This is a teaching away from that set forth in applicant’s claims and would have indicated to the person of skill in the art that any modification to provide the shape set forth in the amended claims would have ruined the chew toy of Arnold for its intended purpose.

The examiner is again asked to reconsider his position that dicalcium phosphate is an active constituent as recited in claim 1. Applicant recites an abrasive in claim 14 and specifically recites calcium monohydrogen phosphate in claim 15. Thus, the finding that the dicalcium phosphate disclosed in Arnold as a “mineral” is an active constituent because it is an abrasive, is inconsistent with the claimed subject matter. Dicalcium phosphate is primarily an excipient, or “tableting agent” and not an active constituent, with either a therapeutic, remedial or preventive activity or an anti-tartar activity reinforcing the dental structure.

Arnold does not, therefore, anticipate claims, 1-5, 11-13, 16 and 17.

Reconsideration is respectfully requested of the rejection of claim 6-10 under 35 USC §103 as unpatentable over Arnold in view of Markham.

The person of ordinary skill in the art would recognize that the shapes of the Arnold and Markham toys are very different. Markham does not show a toy with at least two dihedrons “the edges of which extend along the entire length of the object,” as recited. Thus, because the edges of the grooves of Markham extend along the periphery of the

object (see figure 3) in a plane perpendicular to the length of the object, and the “edges” in Arnold extend in a different direction that would not fit between the teeth of a ferret, the proposed modification would not have been obvious to the person of skill in the art.

Reconsideration is further requested of the rejection of claim 14 and 15 under 35 USC §103 as unpatentable over Arnold in view of Markham and Rich.

Applicant submits that there is a clear distinction between being part of a matrix and “on” the matrix. Rich teaches only a dried toothpaste formulation that is expressly coated on an outer surface of the object so that the dog’s saliva can rehydrate it. Rich essentially teaches away from dispersing the toothpaste “in” the matrix by the desire to have it on the exterior of the chew toy. Thus, applicant submits that the proposed modification would not have been obvious.

It is submitted that this application is in condition for allowance, and an early indication thereof is respectfully requested. The examiner is invited to contact the undersigned to resolve any outstanding issues.

All necessary extensions of time are hereby requested. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 50-1088.

Respectfully submitted,
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